

At 7:30 pm, Mr. Boulter opened the meeting and advised that this meeting is being made available to the public through a live video and audio broadcast on Comcast Government Access Channel 15 and is also being recorded for airing on the channel at future dates. Comments made in open session will be recorded.

Mr. Sotir stated that commissions of conservation were given responsibility in 1972 as local regulatory authorities to administer the terms incorporated in the Wetland Protection Act as well as open space matters. As the regulatory authority, residents come before the Board with their projects and the Board's responsibility is to adhere to the regulations contained within the Act and help residents craft solutions and serve the public. Mr. Sotir concluded by stating that the open space needs are underserved. Mr. Clarke distributed a pamphlet from the Massachusetts Association of Conservation Commissions handbook that outlines the member's duties. He concurred that there is no staff or funding to maintain the town's open space and they need leadership on the Open Space Committee. Mr. Madden stated that the town's pristine fresh water estuaries are one of the best in the state and he feels trees are important. Mr. Fellini stated that the board could use more volunteers on both boards and in the field. Mr. Sotir voiced upset with the Board's appointments that lacked a recommendation from the Commission. Ms. Rushing inquired as to whether the members had received written guidance with respect to Conservation's function and purpose in order to reduce confusion and overlapping responsibility and jurisdiction from the Selectmen's staff. The answer was that none had. Discussion ensued on the volunteer application form and its lack of all boards, committees and commissions listed as options. The Selectmen's staff was tasked with updating the form.

Chairman Boulter established protocol ground rules for public input into this deliberation. He stated that business must be conducted through the Chair; speakers must be recognized by the Chair; speakers must approach the podium and provide their name and address for the record; and repetitive statements or remarks will not be allowed in an effort to allow everyone a chance to speak. Mr. Boulter advised that the evening's business is the request for re-appointment of Robert Clarke to the Conservation Commission and complaints brought to the Board of Selectmen regarding a conflict of interest and/or appearance of conflict of interest in holding the two roles simultaneously, that of the paid, appointed position of Conservation Agent and unpaid appointed position of Conservation Commissioner. Mr. Boulter advised that Robert Clarke was notified and invited to participate in the Selectmen's Executive Session under M.G.L. c.30A, Sec. 21(1) and chose to participate in open, public session which is his right. Mr. Boulter asked Mr. Clarke if this was so; Mr. Clarke stated yes. Mr. Trabucco stated that he doesn't believe that the Agent being on the Board is best practice; he likened it to the Health Agent as inspectional services and recommender making motions and voting on the Board of Health. One is a paid staff representative of the town as inspector, advisor and recommender to the boards, allowing the boards to process the information, impartially deliberate and render a vote in the best interests of the town and its residents. He stated that the efforts of the Town Government Study Committee on behalf of the residents has been to modernize the town's structure and move to a twenty-first century model; he stated that Robert Clarke individually has been a longtime loyal employee and citizen, and his opinion is not even remotely based on Mr. Clarke as an individual, but rather to correct dual roles that need to be separated. Ms. Rushing stated that she was surprised when the Selectmen did not vote on this reappointment request July 9th and has since spoken with many different Boards of Selectmen and a peer in the town of Hanover who recommended she review MGL c.268A §21A which prohibits the duality unless town meeting votes specifically to allow the dual appointments, and Pembroke did so. Ms. Rushing stated that she contacted the Massachusetts Association of Conservation Commissions and the Secretary of State's

MATERIALS & EXHIBITS

Materials or other exhibits used by the public body in an open meeting are available to the public within 10 days upon request.
Prepared by S. Chilcott September 3, 2019 Page 2 of 2